

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 19 November 2020 – 10:00 am
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meeting of 22 October 2020
3. Bank Account balances
4. Campaign for the Authority
5. Discussion
 - a. Criteria for parcels retaining zero DURs
 - b. Disclosure and Acknowledgement – building envelopes
6. Easement Donation/Purchase
 - a. Staley/Geisler – donation – final approval
 - b. Rolling Ridge Foundation – recorded
 - c. RSP Enterprises – deed sent to NRCS for final approval
 - d. Blue Ridge Hunt – should close this year
 - e. Kohn property update
7. Adjournment - next meeting – Thursday December 17th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 22 October 2020 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 22 October 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, P. Engel, T. Catlett W. Thomas
Phone in: G. Ohrstrom
Absent: M. Jones
Staff: A. Teetor, R. Couch Cardillo, B. Stidham
Others: Mary Ivy, Clarke County Resident

Agenda Ms. Teetor asked to move the discussion of the Criteria for zero DURs to item 2 in order for Mr. Stidham to speak about the issue. On motion of Ms. Thomas, seconded by Ms. Catlett, the Authority unanimously approved the agenda as amended.

Discussion – Criteria for parcels retaining zero DUR's Mr. Stidham was present to provide Planning guidance to the continued discussion. He stated that the primary concern appears to be leaving a parcel with zero DURs that someone in the future thinks is buildable. Requiring a survey with a distinct statement saying that this is not a legal building lot and has zero DURs should suffice, as this would be picked up in a title search. Members agreed that this should be a requirement. In addition, they discussed the criteria that would allow all DURs to be retired. These include:

- 1) No public road or recorded private easement access; OR
- 2) Site conditions that restrict or eliminate the potential for development – for example, flood plain, steep slopes; OR
- 3) Other special facts and circumstances that make it appropriate to retire all DURs. Such as viewsheds, historic features.

Mr. Stidham opined that number 3 was a little open ended and basically nullifies the need for criteria. Members asked staff to send this to Mr. Mitchell for review. They stated that Number 3 should either include some sort of legal terminology or be left out.

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of September 17, 2020.

Bank Account: Ms. Teetor reported that the primary expenses have been for the newsletter and Kohn property. The current total fund balance is \$281,118 consisting of \$86,319 in the donations account, \$192,436 in stewardship, and \$2,363 in the local funds.

Public Relations: Ms. Cardillo reported that donations are up again \$13,401.75 for the year from 112 donations. She is working on the fall newsletter and will do stories on an easement property, Rolling Ridge. She will also highlight the upcoming virtual workshop on Conservation Easements hosted by the Land Trust of Virginia and the Piedmont Environmental Council. Another idea is to interview a financial donor. She also reported that Cathy Kuehner did a nice article that was published in the Winchester Star. She has also contacted the High School Art Teacher, Jennifer Angiulli, who has made the contest part of her lesson plan. The deadline for entry is January 11, 2021.

Report on Applications for Easement Donation

a. Staley/Geisler – this is a new application for easement donation. Gerald Staley & Margaret Geisler have applied to the easement authority for approval of an easement donation. The property is located at 117 Bell Lane and is identified as Tax Map# 24-A-25A, 42 acres. The parcel has 1 existing pre-1980 and zero remaining DURs. The property is primarily used for pasture. In reviewing the parcel, all 2 of the 4 criteria have been met. The parcel is over 40 acres and the property resource score is 50.9. Points were given being adjacent to an existing easement, having a perennial stream (Dog Run), and having a contributing structure in the Chapel Rural Historic District. There are no remaining DURs as the property has been subdivided. Ms. Teetor explained that there is an existing dwelling in poor condition that the applicants intend to convert into a 600 square foot apartment with an office on the second floor. This would allow a new house to be built, as the DUR would no longer be used by the old house. On motion of Mr. Engel, seconded by Mr. Ohrstrom members gave preliminary approval and asked staff to schedule a site visit.

Discussion

b. Disclosure and Acknowledgement – building envelopes Ms. Teetor explained that she had sent the form to Mr. Mitchell for his review but had not heard back. Mr. Ohrstrom stated that more research on the subject needs to be done but that the issue is not likely to go away.

Adjournment There being no further business, Mr. Ohrstrom moved and Mr. Engel seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday November 19th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

Criteria for allowing parcels in easement to retire all remaining DURs

The Clarke County Zoning Ordinance allows parcels to have zero DURs as follows:

3-D-10 Parcels with Zero Dwelling Unit Rights

- (4/18/95)
(11/24/98)
(8/19/03)
- a. No parcel may be created with zero dwelling unit rights in the AOC or FOC zoning district unless it meets one of the following criteria:
 1. contains an existing dwelling pursuant to Section 3-D-4; or,
 2. has an approved Special Use, has a use allowed as a Special Use, or
 3. is subject to a recorded permanent open-space, conservation, or historic easement granted to one or more of the following: the Clarke County Conservation Easement Authority, the Virginia Board of Historic Resources, the Virginia Outdoor Foundation, or any other entity authorized to hold an open-space easement pursuant to the Virginia Open-Space Land Act (§10.21-1700, Code of Virginia) and approved by the Clarke County Board of Supervisors.
 - b. The record subdivision plat creating a parcel with zero dwelling unit rights shall be accompanied by an affidavit signed by the property owner, that shall be recorded in the office of the Clerk of the Circuit Court with the subdivision plat, stating that the owner acknowledges that there are no dwelling unit rights assigned to the property, that no dwelling may be constructed on the property, and that these circumstances are binding on all subsequent owners.

The Conservation Easement Authority has expressed concerns for allowing vacant parcels being placed in easement to retire all remaining DURs as potential problems could arise in the future if a parcel is sold and the new owners purchased the vacant land assuming a single-family dwelling could be built.

Recently the Authority has received applications for vacant land where the landowners requested retirement of all remaining DURs. In one case, the applicant was encouraged to keep one remaining in the other case both DURs were permitted to be extinguished. This prompted members to suggest that criteria should be established that would provide an objective standard for situations where no DURs are retained.

After several meetings the Authority recommends the following requirements for allowing zero DURs:

- 1) No public road or recorded private easement access; OR
- 2) Site conditions that restrict or eliminate the potential for development – for example, flood plain, steep slopes; OR
- 3) Other special facts and circumstances that make it appropriate to retire all DURs. Such as viewsheds, historic features.
- 4) Any parcel placed in easement shall provide a survey plat that includes a statement saying that this is not a legal building lot and has zero DURs

WORK IN PROGRESS -
FY2021

JAS - E Johnson
Through 10/31/20

Fund 235 - Conservation Easement Balances

SOY FY20 -

Fiscal Year 2020

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
	278,893	83,736	195,156	1
July Rev/AR		1,025	0	0
July Exps/AP		0	0	0
Aug Rev/AR		325		
Aug Exps/AP		-730	-2,045	-2,058
Sept Rev/AR		4,514		5,039
Sept Exps/AP		-2,551	-675	0
Oct Rev/AR		1,060		
Oct Exps/AP		-1,868	-2,625	-790
Nov Rev/AR		0	0	0
Nov Exps/AP		0	0	0
Dec Rev/AR		0	0	0
Dec Exps/AP		0	0	0
YTD Rev/AR	11,963	6,924	0	5,039
YTD Exps/AP	13,961	5,148	5,345	3,468
Adjustments	0			
YTD FUND BALANCE (AR & AP)	276,895	85,511	189,811	1,573

Emily Johnson:
Land Use Rollback Tax-
\$5,039.31

VDACS

75,738.77 Expires 12/31/2020 (FY2019)

58,333.00 Expires 12/31/2021 (FY2020)

134,071.77

134,071.77 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:

None

ESTIMATED YTD FUND BALANCE 276,895 85,511 189,811 1,573

FY21 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining
General Expenses	45,000	13,961	31,039
	45,000	13,961	0
			0

Clarke County:
Includes expenses not specifically designated to an easement (including donation, stewardship and monthly Hall, Monahan expenses).

Conservation Easement Expense Detail - FY21

	Donations	Stewardship	Local Funds
<u>July</u>			
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>August</u>	250.00 Ellen Shepard - Annual VA Land Conservation 480.00 Robin Cardillo Services for CEA July	1,400.00 Jessica Crandell-Inspections 158.70 Jessica Crandell-Mileage 136.68 Jessica Crandell-Mileage 350.00 Larry Royston Septic Service - Labor	2,057.50 Hall, Monahan, Engle-Legal svcs for July 2020
	<u>730.00</u>	<u>2,045.38</u>	<u>2,057.50</u>
<u>Sept</u>	450.00 Gloria Marconi Summer newsletter 960.00 Robin Cardillo Services for CEA August 195.00 Winchester Printers - envelopes 936.07 Winchester Printers Summer printing newsletter 9.50 Purchase Power Postage	675.00 Dunn Land Surveys - Service	620.00 Hall, Monahan, Engle-Legal svcs for August 2020
	<u>2,550.57</u>	<u>675.00</u>	<u>620.00</u>
<u>Oct</u>	560.00 Robin Cardillo Services for CEA September 350.00 Gloria Marconi Design&Prod 2020 CEA Photo 450.00 Gloria Marconi Fall newsletter 507.71 Winchester Printers CEA printing services	1,550.00 Greenway Engineering Services 1,075.00 Clarke County HD Permits	790.00 Hall, Monahan, Engle-Legal svcs for Sept 2020
	<u>1,867.71</u>	<u>2,625.00</u>	<u>790.00</u>
<u>Nov</u>			
	<u>0.00</u>	<u>0</u>	<u>0.00</u>
<u>Dec</u>			
	<u>0.00</u>	<u>0</u>	<u>0.00</u>
YTD Totals	<u>Donations</u> <u>5,148</u>	<u>Stewardship</u> <u>5,345</u>	<u>Local Funds</u> <u>3,468</u>



ROBIN COUCH CARDILLO

November 13, 2020

Clarke County Conservation Easement Authority
Fundraising Report
November 2020 meeting

Donor Statistics

See attached Master Report

- 2020 total: \$17,076.75 from 119 donations

Ongoing

-*Fall newsletter*

- Distributed

-*Update on Snapshot in Time Photo Contest – Pandemic Photography*

- Deadline January 11, 2021
- Posters going up around the county
- Will reach out to publicize with area photo clubs

-*Year-end appeal*

- In the works
- Any leads on an individual or organization who may offer a matching gift?

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 13, 2020
SUBJECT: Application for easement donation – Gerald Staley & Margaret Geisler

Gerald Staley & Margaret Geisler have applied to the easement authority for approval of an easement donation. The property is located at 117 Bell Lane and is identified as Tax Map# 24-A-25A, 42 acres. The parcel has 1 existing pre-1980 and zero remaining DURs. The property is primarily used for pasture.

The parcel is zoned AOC and is currently in use value taxation, therefore in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

In reviewing the parcel, all 2 of the 4 criteria have been met. The parcel is over 40 acres and the property resource score is 44.9. Points were given for having a perennial stream (Dog Run), and having a structure that could be considered contributing in a future Rural Historic District. There are no remaining DURs as the property has been subdivided. A site visit was conducted on November 2nd.

Recommendation

Give final approval and recommend approval by the Board of Supervisors.



Gerald Staley & Margaret Geisler
 Tax Map# 24-A-25A
 42 acres, 1 ext. dwl., 0 DURs

Clarke County GIS
 October 6, 2020



- Intermittent Stream
- Perennial Stream
- Parcel Boundary
- Scenic Byway
- Railroad
- Public Road
- Private Road

Location Map

